HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 485 of 2001 (SS)
(Old No. 21088/1990)

1. Jagdamba Prasad Maithani, Govt. hospital Sirsoli, Mastoora, District Chamoli
2. Bhupendra Singh Negi, Visht Pan Bhandar, Civil Lines, Pauri
3. Deena Nath Uniyal Village Motibagh, Post Sulla, District Pauri Garhwal
4. Randhir Singh Pundir r/o Majri Guide, District Dehradun
5. Ram Chandra Singh Negi, Resident of village Bajjawari, District Pauri Garhwal
6. Gajendra Singh Aswal, Resident of village Johri Post Jahrikhal, District Pauri Garhwal
7. Padam Prakash Ghildiyal resident of village & Post Jahrikhal, District Pauri Garhwal
8. Mahipal Singh Negi, village & Post Jahrikhal, District Pauri Garhwal
9. Ashok Kumar Rawat resident of village Diwai, Post Khaljikhal, Pauri Garhwal
10. Dev Singh panwar, village Kyari Deoli, District Uttarkashi
11. Narendra Prasad village Syud Post Saterakhal, District Chamoli
12. Vijendra Singh c/o Pradeep Bhatt, Civil Lines, Pauri Garhwal
13. Girish Chandra Bhatt, Bhatt Niwas Niranjani Shrinagar, District Pauri Garhwal..... Petitioners

Versus

1. State of U.P.
2. Dy. Director of Education, Garhwal Region, Pauri Garhwal
3. Director of Education (Basic) U.P.

..... Respondents

Sri Pankaj Purohit, Advocate for the petitioners
Standing Counsel for the respondents.

Dated: 21.08.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition the petitioners have prayed for a writ of mandamus directing the respondents to issue letters of appointments in favour of the petitioners on the basis of select waiting list and to grant them posting on the posts of Assistant Teacher.

Briefly stated according to the petitioner, they are permanent residents of Garhwal region and are eligible for being appointed as Assistant Teachers in C.T. Grade. On 23rd September 1989, an advertisement was published for the posts of Assistant Teachers in Garhwal Region. Petitioners also applied for the said posts. A Selection Committee was constituted and after written test and interview, selection of 55 persons for Assistant Teacher in C.T. Grade was made. All those persons have joined at the places of their posting. Thereafter a waiting list of the candidates including petitioners along with 55 others for C.T. Grade Teachers was issued. According to the petitioners there were 100 vacancies and the petitioner could easily be given posting. The petitioners made several representations to the respondents no. 2 and 3, but appointment letters have not been issued to them. The petitioners were informed that the State Government has issued an order on 31st May 1990, directing the head of all Departments including Director of Education, Lucknow not to make any fresh recruitment and also to set aside previous interview held in connection with any employment and not to make any appointment.

The grievance of the petitioners is that the Government order imposing ban on the appointment is illegal. The

Government orders being subsequent in time and the process of interview having been completed in relation to the petitioners and their result was also declared earlier, the Government order in question is not binging in respect of the examination in question.

The respondents have filed counter affidavit and admitted the fact that the petitioners were selected for appointment on the posts of Assistant Teachers (C.T. Grade) and they were placed in waiting list. However, their appointment could not be made as the Government imposed ban on fresh recruitment vide G.O. dated 27.12.1989.

According to the petitioners, the waiting list prepared by the respondents for appointment of Assistant Teachers would expire after a period of one year and due to the ban on fresh appointments by the Government they were unable to get appointment letters. Therefore, the order of the Government is illegal and discriminatory.

The ban was imposed by the Government on fresh appointment in the Government Departments under certain policy and a policy decision of the Government cannot be subjected to a judicial review under Article 226/227 of the Constitution of India.

However, liberty is given to the petitioners to file a representation to the appropriate authority within one month after obtaining certified copy of this order, who shall decide the same within six weeks thereafter.

Accordingly, the writ petition is disposed of. No order as to costs.

Dated: 21.8. 2006 **Rajesh Tandon, J.**

*Dhyani